

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH DAKOTA, CENTRAL DIVISION**

INSTITUTE FOR FREE SPEECH,

Plaintiff,

v.

MARTY JACKLEY, in his official capacity
as South Dakota Attorney General, and

SHANTEL KREBS, in her official capacity
as South Dakota Secretary of State,

Defendants.

CIV. 18-3017

**PLAINTIFF'S MOTION FOR A
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Plaintiff Institute for Free Speech hereby moves pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction and, to preserve the status quo pending the determination of its motion for a preliminary injunction, a temporary restraining order against enforcement of SDCL § 12-27-1 and SDCL 12-27-16.

As set forth in the accompanying Verified Complaint and Brief in Support of Temporary Restraining Order and Preliminary Injunction, (1) Plaintiff is likely to succeed on the merits; (2) Plaintiff will suffer an immediate and irreparable harm if Plaintiff's Motion is denied; (3) the balance of harm tips decidedly in Plaintiff's favor; and (4) granting temporary injunctive relief serves the public interest. Plaintiff is therefore entitled to an immediate injunction and respectfully requests that this Court grant its motion for a preliminary injunction and, if necessary, a temporary restraining order.

Pursuant to Local Rule 7.1.C, Plaintiff requests oral argument on this Motion.

Dated this 9th day of October, 2018.

Respectfully submitted,

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**Admission Pro Hac Vice pending*

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